

1 KIRK T. KENNEDY, ESQ.  
2 Nevada Bar No: 5032  
3 815 S. Casino Center Blvd.  
4 Las Vegas, NV 89101  
5 (702) 385-5534  
6 Attorney for Plaintiff

7 **UNITED STATES DISTRICT COURT**

8 **DISTRICT OF NEVADA**

9 MELVIN KORNBERG, } 2:12-cv-01961-JAD-PAL  
10 Plaintiff, }  
11 vs. }  
12 UNITED STATES OF AMERICA, et al., }  
13 Defendant. }  
14

**STIPULATION TO DISMISS CERTAIN CLAIMS WITHOUT PREJUDICE**

15 IT IS HEREBY STIPULATED AND AGREED, by and between the Plaintiff,  
16 above named, by and through his undersigned counsel, KIRK T. KENNEDY, ESQ., and  
17 Defendants, above named, represented by and through their undersigned counsel,  
18 DANIEL G. BOGDEN, United States Attorney and JUSTIN E. PINGEL, Assistant  
19 United States Attorney, that the Plaintiff's claims in his complaint for breach of contract  
20 and breach of the covenant of good faith and fair dealing shall be dismissed without  
21 prejudice. The Plaintiff's claim for negligence shall remain in the above-entitled action  
22 in this Court.

23 The Plaintiff may seek to file his claims related to allegations of breach of  
24 contract against the Defendants in the United States Court of Claims as the appropriate  
25  
26  
27  
28

forum for such actions.

1                   /s/Kirk T. Kennedy  
2                   KIRK T. KENNEDY, ESQ.  
3                   Nevada Bar No: 5032  
4                   815 S. Casino Center Blvd.  
5                   Las Vegas, NV 89101  
6                   (702) 385-5534  
7                   Attorney for Plaintiff

8                   Dated: 9/5/13

1                   /s/Justin E. Pingel  
2                   DANIEL G. BOGDEN  
3                   United States Attorney  
4                   JUSTIN E. PINGEL  
5                   Assistant United States Attorney  
6                   333 Las Vegas Blvd. South, Ste. 5000  
7                   Las Vegas, NV 89101  
8                   (702) 388-6336  
9                   Attorney for Defendants

10                  Dated: 9/5/13

11                  **ORDER**

12                  IT IS SO ORDERED,

13                  Dated this \_\_ day of September, 2013.

14                  UNITED STATES MAGISTRATE JUDGE

15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28